



Docket No. 10360-24
Ref: Signature Date

Dear

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 19 November 2024. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations and policies, as well as the 11 September 2024 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 8 July 2024 Advisory Opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30). Although, the PERB decision was provided to you, you did not provide a response.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to remove your Fitness Report for the reporting period 29 September 2022 to 22 March 2023. The Board considered your contentions that you were not provided any communication or counseling regarding your performance prior to the report, and that the Reporting Senior (RS) appeared to have made an effort to adjust his profile by lowering your grade (e.g., relative value (RV)). You also claim that upon discovering the completed report, you immediately reached out to the RS for clarification regarding the significant decrease in RV. You further assert that, without adequate justification, the RS commented that you were consistently absent from the office, which allegedly hindered time for continuity or observation to complete assigned tasks. You explained that the claimed “continual

absence” was due to maternity leave and attendance at the Advanced School and Advanced Administrative Specialist Course, as evidenced by your non-availability on a prior fitness report and subsequent temporary additional duty fitness report. To support your claims, you provided emails and Microsoft TEAMS message exchanges between yourself and the RS, in which you allege the RS acknowledged that an error or injustice had occurred.

The Board, however, substantially concurred with the AO and the PERB Decision that the report is valid as written and filed, in accordance with the applicable Performance Evaluation System (PES) Manual guidance. In this regard, the Board noted beyond your personal statement, you provided insufficient evidence that your performance or conduct warranted higher grades.

Additionally, the Board reviewed the correspondence you provided and noted that the RS expressed his confidence in the way you were marked. The RS also indicated that he had adjusted some of his markings in your favor. The Board further observed that the fitness report does not include specific remarks regarding insufficient observation or continuous absences. Regarding your claims concerning a lack of counseling, the Board found them to be immaterial, as counseling can take various forms and is not sufficient to justify the removal of a fitness report. Furthermore, the Board noted the fitness report was not adverse in nature, and thus did not necessitate formal counseling during the reporting period. Additionally, the Board emphasized that, per the PES Manual, grades are earned based on the Marine’s demonstrated efforts and apparent results, not to achieve a specific fitness report average or RV. Lastly, the Board concluded that the perceived competitiveness of the RV or the comparative assessment mark is not grounds for removing or modifying a fitness report. Based upon these considerations, the Board determined that there was no probable material error, substantive inaccuracy, or injustice warranting corrective action. Therefore, after careful review of the totality of the circumstances, the Board concluded that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

12/23/2024

